

FILED
CLERK U.S. DISTRICT COURT

James C. Bastian, Jr. - California Bar No. 175415
MARSHACK SHULMAN HODGES & BASTIAN
 26632 Towne Centre Drive, Suite 300
 Foothill Ranch, California 92610-2808
 Telephone: (949) 340-3400
 Facsimile: (949) 340-3400

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 DISTRICT OF UTAH

BY: _____
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AUG 25 2003

U.S. DISTRICT COURT

Attorneys for Defendant, The Official Committee of Unsecured
 Creditors of 324 South State, LLC¹

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

LASALLE NATIONAL BANK, as Trustee for the Registered
 Holders of Asset Securitization Corporation Commercial Pass-
 Through Certificates 1996-ID2,

Plaintiff,

v.

324 SOUTH STATE, L.L.C., a Delaware limited liability
 company; FIRST AMERICAN TITLE INSURANCE
 AGENCY, INC., a Utah corporation, in its capacity as trustee;
 DOERKEN REAL ESTATE SERVICES, INC., a California
 corporation; EXCHANGE MANAGEMENT, L.L.C., a Utah
 limited liability company; WILCOM, INC., a Utah corporation
 d/b/a Jani-King of Salt Lake City; SMITTY'S ENTERPRISES,
 INC., a Utah corporation; MECHANICAL SERVICE &
 SYSTEMS, INC., a Utah corporation; THE OFFICIAL
 COMMITTEE OF UNSECURED CREDITORS OF 324
 SOUTH STATE STREET; BIG-D CONSTRUCTION
 CORPORATION, a Utah corporation; SALT LAKE CITY
 CONSTRUCTION CORPORATION, a Utah corporation;
 COSTELLO COMPANY, INC., a Utah corporation; ISS
 BUILDING MAINTENANCE, INC., BOMEL
 CONSTRUCTION, CO., INC., a California corporation; IRELL
 & MANELLA, LLP, a California limited liability company;
 JOHN DOES 1-10,

Defendants.

**ORDER TRANSFERRING VENUE
 AND REFERRING ACTION TO
 BANKRUPTCY COURT**

Case No. 2: 03CV00455

Chief Judge Dee Benson

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¹ Motion for Pro Hac Vice admission pending.

13

The Motion to Dismiss filed by Defendant, 324 South State, LLC ("Defendant"), and the Motion to Remand filed by Plaintiff, LaSalle National Bank ("Plaintiff"), came on for hearing on August 12, 2003, the Honorable Dee Benson, United States District Court Judge presiding.

Defendant appeared through Ballard Spahr Andrews & Ingersoll by Anthony Kaye. Plaintiff appeared through Parr Waddoups Brown Gee & Loveless by Ronald G. Russell. Defendant, The Official Committee of Unsecured Creditors of 324 South State Street ("Committee") appeared through Marshack Shulman Hodges & Bastian LLP by James C. Bastian, Jr. Other parties appeared as reflected in the Court's record.

The Court having considered the Motion to Dismiss, the Motion to Remand, the documents filed in support of and in opposition to said Motions, the arguments and representations of counsel, and the record in this case, it is hereby

ORDERED that this action is transferred to the United States District Court for the Central District of California with instructions that the action be referred to the United States Bankruptcy Court, Central District of California, Santa Ana Division, Judge James N. Barr presiding for the purpose of having a determination made by Judge Barr as to whether the stay has been modified to permit this action to proceed.

IT IS FURTHERED ORDERED that defendant The Official Committee of Unsecured Creditors of 324 South State, LLC ("The Unsecured Creditors Committee") will be responsible to schedule a hearing before Judge Barr on the issue of whether the stay has been modified to permit this action to proceed, on September 16, 2003 at 10:30 a.m., the same time and date that other matters in Chapter 11 Bankruptcy Case No. SA 00-10624 are scheduled to be heard by the Bankruptcy Court, according to counsel for Unsecured Creditors Committee, or as soon thereafter as the Bankruptcy Court's calendar will allow, but no later than October 1, 2003. In the event that the Bankruptcy Court does not enter an order determining that the bankruptcy stay prevents this action from proceeding, then this action shall be immediately transferred back to this Court and then immediately remanded to the Third Judicial District Court for Salt Lake County, State of Utah (Civil No. 030907015) for further proceedings. In the event

that the Bankruptcy Court determines that the bankruptcy stay prevents this action from going forward, the Bankruptcy Court shall retain jurisdiction of this case.

Dated: *Aug. 26, 2003*



HON. DEE BENSON
UNITED STATES DISTRICT COURT JUDGE

APPROVED AS TO FORM AND CONTENT:

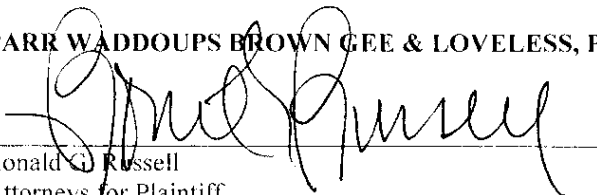
Dated: August __, 2003

MARSHACK SHULMAN HODGES & BASTIAN LLP

James C. Bastian, Jr.
Attorneys for Defendant, The Official Committee of Unsecured
Creditors of 324 South State, LLC

Dated: August *22*, 2003

PARR WADDOUPS BROWN GEE & LOVELESS, P.C.



Ronald G. Russell
Attorneys for Plaintiff

Dated: August __, 2003

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

Anthony C. Kaye
Attorneys for Defendant, 324 South State, LLC

Court determines that the bankruptcy stay prevents this action from going forward, the Bankruptcy Court shall retain jurisdiction of this case.

Dated:

HON. DEE BENSON
UNITED STATES DISTRICT COURT JUDGE

APPROVED AS TO FORM AND CONTENT:

Dated: August 21, 2003

MARSHACK SHULMAN HODGES & BASTIAN LLP



James C. Bastian, Jr.
Attorneys for Defendant, The Official Committee of Unsecured
Creditors of 324 South State, LLC

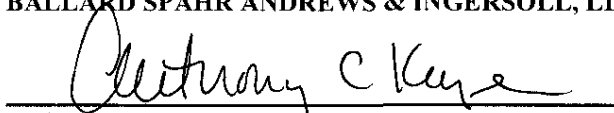
Dated: August ___, 2003

PARR WADDOUPS BROWN GEE & LOVELESS, P.C.

Ronald G. Russell
Attorneys for Plaintiff

Dated: August 22, 2003

BALLARD SPAHR ANDREWS & INGERSOLL, LLP



Anthony C. Kaye
Attorneys for Defendant, 324 South State, LLC

jmr

United States District Court
for the
District of Utah
August 29, 2003

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00455

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Ronald G Russell, Esq.
PARR WADDOWS BROWN GEE & LOVELESS
185 S STATE ST STE 1300
PO BOX 11019
SALT LAKE CITY, UT 84147
EMAIL

David B. Warkiss, Esq.
BALLARD SPAHR ANDREWS & INGERSOLL
201 S MAIN STE 600
SALT LAKE CITY, UT 84111-2215
JFAX 9,5313001

James C. Bastian
Marshack Shulman Hodges & Bastian
26632 Towne Centre Drive Suite 300
Foothill Ranch CA 92610-2808